

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|   |   |                                     |
|---|---|-------------------------------------|
| <b>ANDREW JAMES BORWEGAN,</b>           | : | <b>CIVIL ACTION NO. 1:15-CV-953</b> |
|   | : |                                     |
| <b>Plaintiff</b>                        | : | <b>(Chief Judge Conner)</b>         |
|   | : |                                     |
| <b>v.</b>                               | : |                                     |
|   | : |                                     |
| <b>CAROLYN COLVIN, Acting</b>           | : |                                     |
| <b>Commissioner of Social Security,</b> | : |                                     |
|   | : |                                     |
| <b>Defendant</b>                        | : |                                     |

**ORDER**

AND NOW, this 12th day of July, 2016, upon consideration of the report (Doc. 13) of Chief Magistrate Judge Martin C. Carlson, recommending that the court dismiss the appeal of *pro se* plaintiff Andrew James Borwegan (“Borwegan”) from the decision of the administrative law judge for failure to prosecute pursuant to Federal Rule of Civil Procedure 41 and also on the merits, and it appearing that Borwegan did not object to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,”

FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Carlson's recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 13) of Chief Magistrate Judge Carlson is ADOPTED.
2. The appeal (Doc. 1) of *pro se* plaintiff Andrew James Borwegan from the decision of the administrative law judge is DISMISSED.
3. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania